

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14873, of the Trust for Public Land, pursuant to 11 DCMR 3108.1 and 3107.2, for special exceptions under Sections 353 and 410 for new residential development consisting of buildings with division walls erected from the ground up or from the lowest floor up to be deemed a single building, a variance from the rear yard requirements (Section 404) and a variance from the side yard requirements (Section 405) to construct a 100 unit residential development comprised of 64 row dwellings, 9 fourplex structures, and 2 accessory buildings in an R-5-A District in the area bounded generally by Foote, Hayes and Barnes Streets, Kenilworth Terrace and Anacostia Avenue, N.E., (Square 5041, Lots 1-33, 37-39 and 43-46, Square 5056, Lots 1-38).

HEARING DATE: July 28, 1988

DECISION DATE: July 28, 1988 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ("ANC") 7A. ANC 7A, which is automatically a party to the application, did not file a written statement of issues and concerns but testified at the public hearing in support of the application.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 7A and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 353 and 410 and variances from the strict application of the requirements of 11 DCMR 404 and 405. No person or entity appeared at the hearing or otherwise requested to participate as a party in this proceeding. Accordingly, a decision by the Board to grant this application would not be adverse to any party. Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3107 and 3108, and that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is granted.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 4-0 (Paula L. Jewell, Maybelle Taylor Bennett, William F. McIntosh and Carrie L. Thornhill to approve; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: AUG 12 1988

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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